

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of Parts 2 and 15 of the	)	ET Docket No. 03-122
Commission's Rules to Permit Unlicensed	)	
National Information Infrastructure (U-NII)	)	
Devices in the 5 GHz Band	)	

**REPLY COMMENTS OF THE LICENSE-EXEMPT ALLIANCE**

The License-Exempt Alliance (“LEA”), by its counsel, hereby submits its reply comments in response to the Commission’s *Notice of Proposed Rulemaking* (“NPRM”) in the above-captioned proceeding.

Generally, the comments submitted in response to the *NPRM* reflect substantial agreement on a number of key points. For example, a number of parties agree that the transition periods for compliance with the Commission’s new DFS requirements should not commence until accepted test procedures for DFS conformance become available.<sup>1</sup> As pointed out in the record, the license-exempt industry is working in tandem with NTIA on this very issue – assuming that process remains open to “last-mile” license-exempt broadband providers, the LEA believes that at a minimum no final FCC rules or associated transition should occur until the NTIA process has been given sufficient time to develop a workable testing mechanism for the Commission’s new DFS requirements.

Likewise, the initial comments reflect substantial agreement on a number of key technical points, including the following: (1) in systems where multiple devices are operating under a

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<sup>1</sup> See, e.g., Wi-Fi Alliance Comments at 12-13; Cisco Comments at 8; IEEE 802 Comments at 19.

central controller, the Commission should require that only the central controller be DFS-capable;<sup>2</sup> (2) Transmit Power Control (“TPC”) should not be required for devices that operate 3 dB below the Commission-mandated EIRP limit;<sup>3</sup> (3) the Commission’s rules should give manufacturers sufficient flexibility to determine the most effective and efficient means of complying with the Commission’s TPC requirements and, in that regard, it is not necessary or prudent for the Commission to identify a specific TPC “triggering mechanism” in its rules.<sup>4</sup> For the reasons already discussed at length in the record, the LEA supports each of these items and requests that they be incorporated into the Commission’s rules.

Lastly, various parties have, like the LEA, disagree with the Commission’s statement in the *NPRM* that “the 100 MHz of spectrum that is already available at 5.725-5.825 GHz will remain sufficient for higher power operations,” and that “operations over longer distances employ directional antennas that allow for high reuse and sharing of the spectrum, which mitigates the need for additional spectrum for these types of operations.”<sup>5</sup> The LEA believes that those comments, which need not be repeated in detail here, confirm that the Commission’s statement represents an unexplained about-face from the Commission’s ongoing efforts in other proceedings to promote higher power license-exempt operations, particularly in areas that have little no broadband service.<sup>6</sup> Again, the LEA hopes that the Commission’s statement is merely

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<sup>2</sup> See, e.g., Nokia Comments at 3; Proxim Comments at 5; Intel Comments at 2; Telecommunications Industry Association Comments at 4.

<sup>3</sup> See, e.g., IEEE 802 Comments at 16; Airespace Comments at 1; Agere Comments at 5.

<sup>4</sup> See, e.g., Motorola Comments at 8; IEEE 802 Comments at 15; IceFyre Semiconductor Comments at 2.

<sup>5</sup> *NPRM* at ¶ 18. See, e.g., Microsoft Comments at 9; Alvarion Comments at 2; IEEE 802 Comments at 7; Motorola Comments at 3-4.

<sup>6</sup> See License-Exempt Alliance Comments at 4-6.

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